

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR326
)	
v.)	
)	
EARL DECORY,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the Court on the report and recommendation of the magistrate judge (Filing No. 26), recommending that defendant's motion to dismiss (Filing No. 14) be denied. The Court notes no objections have been filed. The Court has reviewed the motion and defendant's brief (Filing No. 15), as well as the transcript of the hearing (Filing No. 25), and finds said motion should be denied. Accordingly,

IT IS ORDERED:

- 1) The report and recommendation of the magistrate judge is approved and adopted;
- 2) Defendant's motion to dismiss is denied;
- 3) Trial of this matter is scheduled for:

Monday, April 9, 2007, at 9 a.m.

in Courtroom No. 5, Roman L. Hruska United States Courthouse, Omaha, Nebraska, or as soon thereafter as may be called by the Court. This should give counsel adequate time to prepare for trial, and the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between February 19,

2007, and April 9, 2007, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 19th day of February, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court